

28

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 1307/96

Date of Order : 26.8.98

BETWEEN :

P.Rajendran

.. Applicant.

AND

1. The General Manager,
S.C.Rly., Rail Nilayam,
Secunderabad.
2. The Dy. Chief Mechanical
Engineer, S.C.Rly.,
Carriage Repair Shop,
Tirupathi.
3. The Chief Personnel Officer,
S.C.Rly., Rail Nilayam.
Secunderabad.
4. G.Mahimadass
5. R.Padmanabhan
6. N.Rajamani
7. R.Sreedharan
8. P.Joseph.

.. Respondents.

Counsel for the Applicant

.. Mr.P.Sridhar Reddy

Counsel for the Respondents

.. Mr.D.F.Paul

CORAM :

HON'BLE SHRI R.RAGARAJAN : MEMBER (ADM.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUD L.)

J

O R D E R

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

Mr. P Sridhar Reddy, learned counsel for the applicant.. None for the respondents.

2. The applicant in this OA was a direct recruit to the post of Skilled Artisan Gr-III in CRS, Tirupathi on 19.8.87. He was promoted as HSK Gr-III in May 1995. The seniority of Black Smith as on 1.8.95 is at Annexure-2. In that the applicant's name is shown at Sl.No.17. The ~~other~~ ^{one} direct recruits at Sl.No.s 5, 6, 9, 10, 13& 14. It is stated that all the direct recruits had left the CRS and was transferred to ICF. Hence the applicant submitted a representation for removal of the names from the seniority list as on 1.8.95 and interpolate his name against one of the direct recruits who had left for ICF. He submitted representation dated 20.8.96 (A-3) against the seniority list referred to above. That was disposed of by letter No.TR/P.612/ART/Vol. IV dated 6.9.95/96 (A-4). It is stated in that order that the seniority was fixed in the skilled grade-III posts in accordance with the directions given in OA.219/92 on the file of this Bench. As per that direction the direct recruits and promotees are to be fixed in the ratio of 50:50. That order is applicable for those promotees who were promoted as on 12.8.85 ^{and} direct recruits who joined the CRS on 13.5.88 and 19.5.88. The artisan staff who ^{were} promoted earlier to 12.5.88 will rank senior to those promoted. Senior optees from the same cadre joining later will get the original seniority ⁱⁿ the earlier cadre. The direct recruits who left CRS to join ICF were working in that post on 13.5.88 to 17.5.88. Sl.Nos. 5, 6, 9, 10, 13 and 14 in the seniority list were transferred to ICF

R

A

30

... 3 ...

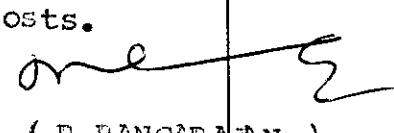
much later and they were working on 12.5.88 in this shop. Hence the respondents upheld the status of the applicant in the provisional seniority list which was published on 1.8.95.

3. Aggrieved by the above reply the applicant has filed this OA for setting aside the impugned order No. TR/P.612/ART/Vol. IV dated 18.3.96 in so far it includes the name of the applicant at Sl.No.17 ~~instead~~ ^{instead} of at Sl.No.5 and the communication No. TR/P.612/ART/Vol. IV dated 6.9.95 (96) issued by the Deputy Chief Mechanical Engineer CRS, Tirupathiporejecting his representation dated 20.8.96 by holding them as illegal and arbitrary.

4. It is a fact that direct recruits at Sl.Nos. 5, 6, 9, 10, 13 and 14 were present physically on duty as on 12.5.88. Hence their names cannot be deleted from the seniority list issued on that date in pursuance of the direction in OA.219/92. Many events could have taken place later. The direct recruits in Sl.Nos. 5, 6, 9, 10, 13 and 14 could have been transferred to ICF. But that will not be a reason to delete their names from the seniority list issued as on 1.8.95 and include the name of the applicant at Sl.No.5 against the direct recruit ^{who} left for ICF much later than 12.5.88. The above is a settled principle. Hence we are of the opinion that the respondents have issued the reply dated 6.9.95/96 to his representation dated 20.8.96 in accordance with the law and hence that order cannot be challenged.

5. In view of what is stated above we find no merit in this OA. Hence the OA is dismissed. No costs.

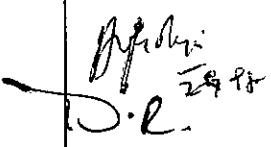

(B.S. JAI PARAMESHWAR)
Member (Judl.)
26.8.98


(R. RANGARAJAN)
Member (Admn.)

Dated : 26th August, 1998

Dictated in Open Court)

sd:


D.R.

DA.1307/96

Copy to :-

1. The General Manager, South Central Railway, Rail Nilayam, Secunderabad.
2. The Dy.Chief Mechanical Engineer, South Central Railway, Carriage Repair Shop, Tirupathi.
3. The Chief Personnel Officer, S.C.Rly., Rail Nilayam, Sec'bad.
4. One copy to Mr. P.Sridhar Reddy, Advocate, CAT., Hyd.
5. One copy to Mr. D.F.Paul, SC for Rlys, CAT., Hyd.
6. One copy to DRB.(A), CAT., Hyd.
7. One duplicate copy.

srr

14/9/98
7

II COURT

TYED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR :
M(J)

DATED: 26/8/98

ORDER/JUDGMENT

~~M.A/R.A/C.P.NO.~~

in

C.A.NO. 1307/98

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH

1 SEP 1998

हैदराबाद न्यायपीट
HYDERABAD BENCH